

Special Called Meeting of the City of Sandy Springs Board of Ethics Meeting held on July 9, 2008 at 9:00 AM

Call to Order

Chairman Maddrey called the meeting to order at 9:00 a.m.

Board Members Present: Charles Maddrey, Jim Langlais, Glenn Moffett, Nancy McCord, Andrew Heyward and Dick Isenberg.

Staff Present: City Clerk Christina Rowland, City Attorney Wendell Willard

Approval of Agenda

Ms. McCord moved to approve the meeting agenda. Mr. Moffett seconded the motion. The motion carried unanimously.

Approval of Minutes of April 24, 2008 Board Meeting

Chairman Maddrey stated that he had sent out some changes to the April 24, 2008 minutes electronically for the Board's review.

Mr. Moffett moved to approve the April 24 Board meeting minutes as amended. Mr. Isenberg seconded the motion. The motion carried unanimously.

Approval of Minutes of May 15, 2008 Special Board Meeting

Chairman Maddrey stated that he had sent out some changes to the May 15, 2008 minutes electronically for the Board's review.

Mr. Moffett moved to approve the May 15, 2008 minutes as amended. Mr. Isenberg seconded the motion. The motion carried unanimously.

Review of Minutes from May 15, 2008 Hearing

Chairman Maddrey stated that these minutes did not need approval. He stated that he had made amendments to these minutes as well.

The Board thanked the City Clerk for her hard work on these minutes.

Committee Reports

Ordinance and By-law Review Committee

Mr. Langlais proposed the following amendments to the ordinance:

He stated that he added a definition of expenditure. This came from the model ordinance as well as other ordinances. Mr. Moffett stated that he was agreeable to this definition.

Mr. Maddrey questioned where "expenditure" is in the ordinance. Mr. Langlais stated that it is in Sections 2-108(h) and 2-118.

He requested that the Board look at the definition of a gift. City Attorney Willard stated that in order to have a "gift", you have to have an offer and an acceptance.

Mr. Langlais stated that in Section 2-109, he recommends that the possible penalties be listed as follows:

(a) Letter of Notification. The board may issue a letter of notification when it finds that a violation of this division was clearly unintentional or inadvertent. The letter must advise the Respondent of any steps to be taken to avoid future violations.

(b) Letter of Admonition. The board may issue a letter of admonition when it finds that the violation of this division was minor and/or may have been unintentional or inadvertent.

(c) Letter of Reprimand. The board may issue a letter of reprimand when it finds that the Respondent has intentionally or knowingly violated this division.

(d) Recommendations to City Council. When the board finds that the Respondent has intentionally or knowingly violated this division, the board may make a recommendation to the city council, including but not limited to a recommendation for suspension, demotion, forfeiture of office or removal from office, termination from employment, and/or banning or temporarily suspending the Respondent's (or Respondent's associated businesses or organizations') right to solicit, bid on or obtain a contract with or from the city, as allowed by applicable law.

(e) Referral to Ethics Training. Upon finding of violation of this division, the board may require that the subject of the complaint undergo ethics training.

He further recommended deleting the existing penalties language.

Mr. Langlais explained his reasoning for the addition of (e) Referral to Ethics Training.

Chairman Maddrey questioned if (d) covers all city appointed volunteers. City Attorney Willard stated that it did.

Chairman Maddrey questioned what would be involved in the Ethics Training. Mr. Moffett stated that it could encompass anything such as a Training Committee from the Board of Ethics. Mr. Langlais stated that this would help in those cases where an individual is unaware that his or her actions were a violation of the Ethics Ordinance.

Discussion followed regarding what type of training should be provided.

Mr. Langlais stated that Section 2-112(c) was amended to remove any specific time. He stated that this also addresses situations where someone has already reported a violation.

Mr. Langlais stated that Section 2-119 provides protection for whistleblowers. City Attorney stated that care should be taken in this area as someone might use it as employment protection. He stated that he would research this further.

Mr. Langlais stated that the changes in the next section address the discussions regarding alternate board members.

Chairman Maddrey requested that there be a definition of a member.

Mr. Langlais stated that he was going to remove the whistleblower portion. Chairman Maddrey stated that they would take a recess at this time.

Mr. Moffett suggested removing the terms "alternate member" and using "alternate" to prevent any confusion.

Mr. Langlais stated that he also amended the Ordinance such that an alternate may not serve as an officer of the Board but may be the hearing officer.

Chairman Maddrey stated that the terms of office should be defined. He stated that the alternates should have three-year terms. Mr. Langlais stated that the limit of terms should remain.

Chairman Maddrey stated that the duties and powers of alternates should be defined. He stated that alternates cannot vote and cannot hold office. They may be appointed to a committee and serve in place of an absent board member. He stated that they will receive all meeting notices and may participate in meetings and hearings. He stated that an alternate does not make up a quorum unless they are appointed by the Chair to replace a member.

Mr. Langlais stated that Section 2-155(g)(1) had been amended so that a member of the board or someone outside the board could serve as the hearing officer. Chairman Maddrey stated that subsections d, h, and k should say "calendar" days. Mr. Moffett stated that there would be a discrepancy between the Ordinance and the bylaws.

Mr. Langlais stated that Section 2-155(l)(1)(d) provides for the Board's discretion. Mr. Moffett stated that the word "subject" should be "respondent". Mr. Langlais stated that he had seen this section in other Ordinances.

City Attorney Willard stated that this Ordinance states that no gifts may be accepted. The policies of the departments may be different.

Mr. Langlais stated that other cities have punishments for filing false statements. Mr. Moffett stated that is covered under state law and is not needed in this ordinance.

Chairman Maddrey stated that he did not think that there was a change to the statute of limitations.

Chairman Maddrey stated that the bylaws should refer to the codified version of the ordinance. He stated that the proxy has been removed. Mr. Langlais stated that he had also included a statement that alternates would be appointed based on seniority. Mr. Langlais stated that he was going to make sure the bylaws and the ordinance are consistent.

Education Committee

Ms. McCord introduced Mr. Stephen Haley, Human Resources Manager. Mr. Haley stated that amendments are being made to the Employee Handbook which will include a summary of the Ethics Code.

Mr. Haley stated that information would also be provided during orientation. This would allow an opportunity to answer questions.

Mr. Haley stated that the handbook should be out in the next couple of weeks. City Attorney Willard stated that the City Manager has the draft now.

Chairman Maddrey questioned if this would be given to the Police and Fire Departments. Mr. Haley stated that it would.

City Attorney Willard stated that the Police Department's Standing Orders have policies regarding the acceptance of gifts. He stated that a dollar amount was set at \$25.00. He stated that the Ordinance reflects a dollar amount of \$100.00. This should be reconciled.

Mr. Langlais stated that he had included a section regarding prosecutorial discretion. Chairman Maddrey stated that he feels the Code of Ethics supersedes all other policies of the City. He stated that this should supersede CH2M Hill's policy as well. Mr. Langlais stated that as it is written, if the department can prove that there is an investigation in process dealing with the issue, then the Board of Ethics can choose not to prosecute the individual.

Mr. Isenberg questioned how many employees the city has. Mr. Haley stated that there are 259 including part-time employees. He stated that CH2M Hill has about 340 employees.

Mr. Heyward questioned if this Ordinance covered the contract employees as well as city employees. City Attorney Willard stated that it did.

Ms. McCord questioned if volunteers were aware of this Ordinance. City Attorney Willard stated that should be done on a board by board basis. He stated that they should recognize the Ordinance is in effect. Discussion followed regarding how each Board should be informed of this Ordinance. It was decided that an orientation should be held for new board members. Mr. Langlais stated that once his term was up, he would be happy to do the orientation.

Old Business

Findings of Facts and Conclusions of the previous Complaint

Ms. McCord moved accept the Findings of Facts and Conclusions of the previous complaint. Mr. Langlais seconded the motion. The motion carried unanimously.

New Business

Recommendation of Counsel to the Ethics Board for the Wiley Complaint – Wendell Willard

City Attorney Willard explained the facts of the Wiley complaint. He stated that he must recuse himself. He therefore recommended that Mr. David Davidson be appointed as the attorney for this matter.

Mr. Heyward moved that Mr. Davidson be appointed as counsel for this complaint. Mr. Langlais seconded the motion. The motion carried unanimously.

Expected timings of the Wiley Complaint

Chairman Maddrey explained the timings of each step in the complaint process. Mr. Isenberg questioned if hand delivery to a respondent's mailbox would serve as notice. Mr. Willard stated that is not recognized by law.

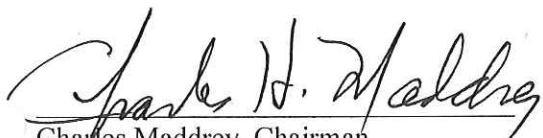
Chairman Maddrey expressed his concerns regarding upcoming vacations. He recommended that a meeting be scheduled between this date and the end of July to decide if a hearing is needed. There was a consensus to hold a special meeting on July 28, 2008 at 9:00 a.m.

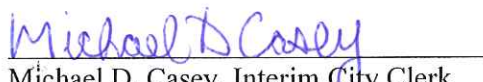
Replacement for Susan Dew as an Alternate

Chairman Maddrey stated that Ms. Dew has resigned. He stated that the Mayor will be appointing a replacement.

Adjournment

Mr. Moffett moved to adjourn the meetings. Mr. Langlais seconded the motion. The motion carried unanimously. The meeting adjourned at 11:00 a.m.


Charles Maddrey, Chairman


Michael D. Casey, Interim City Clerk